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REPORT

OF

BRIGADIER-GENERAL HENRY M. NAGLEE

OF HIS

COMMAND OF THE DISTRICT OF VIRGINIA

WITH AN

APPENDIX

CONTAINING

THE CORRESPONDENCE BETWEEN GEN. NAGLEE AND THE MAYOR
AND COMMON COUNCIL OF THE CITY OF PORTSMOUTH,
REFERRED TO IN THE REPORT.

PHILADELPHIA:

J. B. LIPPINCOTT & CO.

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REPORT, ETC.

HEADQUARTERS, NORFOLK, Sept. 28th, 1863.

COLONEL: I would respectfully submit the following report:—

In obedience with the orders of Major-General Foster, I assumed command of the Department of Virginia, 7th Corps, on the 25th day of July last.

On the 28th of July, I addressed the communication marked A, hereunto attached, to the most prominent citizens of Princess Anne, Norfolk, Currituck, and Camden Counties, which was promptly responded to by letters marked B and C, and at the same time in person by deputations composed of Union and disunion men, non-combatants from within our lines; and it was determined that so long as they should take no active part against the Government, they should be protected, and be permitted to trade, under certain restrictions, with the merchants of Norfolk.

The immediate results of these measures were most satisfactory, but produced a jealousy and alarm among certain bands of guerrillas that have since the war occupied the swamps of Currituck and Camden Counties. This feeling increased to that extent, that they were determined to stop the above trade and intercourse with Norfolk; for which purpose a concerted movement was made on the 7th September, and all of the bridges within the above four counties were destroyed. Some of the bridges were rebuilt, and again destroyed, and I resorted to the means indicated in Special Order, marked D, hereunto attached, and required that the bridges should be kept in repair by the most prominent secessionists in the immediate vicinities; and this seems to have had the desired effect.

My next purpose was to drive all of the guerrilla bands beyond the lines. These men are not uniformed, and it is impossible to distinguish them from the farmers of the country. They are familiar with the country, and conceal themselves in the thickest and most unapproachable places; our cavalry were taken at a great disadvantage, and invariably the first knowledge they had of approaching danger, was a volley when least expected; and which was followed by a scattering of those who thus frequently delivered a very destructive fire. To meet these surprises in the future, I have ordered that when approaching these dangerous places where an attack may be expected, some half dozen of the most influential restless secessionists of the vicinities should be forced to act as guides, and be placed with the advance; from the protestations made by them I anticipate almost certain favorable results. Already I have cleared Princess Anne and Norfolk Counties, and I can safely promise that before ten days, under the order given to Colonel Lewis and the dispositions made, there will be an end of this disturbance.

I have arrested a large number of persons who have been feeding, and, I believe, encouraging these outlaws; and I have ordered the trial of two of the guerrillas taken from a number of them, who murdered some of my unarmed men that had gone a short distance from South Mills in search of milk.

The most unsatisfactory and complicated subject that will claim your attention, will be to endeavor to harmonize the existence at the same time of civil and martial law. The former is attempted to be enforced by a mayor and a few justices of the peace, in the Cities of Norfolk and Portsmouth; and extraordinary restrictions are unlawfully enforced by them under the laws of the "Restored Government of Virginia," which, if carried out, must inevitably result in the utter destitution of a very large portion of the population of those cities. Physicians are not allowed to practice, unless they will take the oath of allegiance to the United States and the "Restored Government of Virginia." The immediate result of which is that the poor suffer and die unattended, and sickness prevails to an alarming extent. No debts can be collected unless the applicant will first take the

above oaths; and a landlord can neither collect his rent nor get possession of his property. And to such an extent is this carried, that the Mayor of Norfolk refused to expel a band of negroes from the residence of a gentleman forcibly taken from him by them.

In a word, these people are but prisoners of war, and, as such, are entitled to certain rights which cannot be violated. They should be allowed to feed themselves, or the Government must feed them; their property can only be taken by legal measures. The Constitution expressly provides the only manner of testing disloyalty; and the act of Congress of July 29th, 1862, places the jurisdiction and condemnation of property with the U. S. District Court.

I would call attention to my letter to Mayor Collins, of the City of Portsmouth, dated September 17th, 1863, marked E, in which I requested to be informed what the Council of that city intended to do for the support of their poor. On the 22d I received his reply, marked F, and in which you will no doubt note with surprise his assertion that "of the 1200 persons drawing rations, there are not 500 of them entitled to the same." Your surprise will, however, be directed towards Mayor Collins, when, by the perusal of the communication of Capt. Hill, (marked G,) Commissary of Subsistence, one of a Board of three Commissaries, with whom I left this subject, you will learn that "the Mayor, in his own handwriting, and by his authorized agents, recommended 1461 persons for support."

And "lest, even with the precautions taken, any improper persons should receive rations, the Mayor was invited to an examination of the list, and note any that he considered not entitled to relief."

"The interference" made by the military authority with the acts of the Council, referred to by Mayor Collins, was disposed of by my communications to you, which were forwarded to the President in August.

I am most happy to know that the stringent reforms introduced by General Orders No. — of August 1st, 1863, marked E, and those of General Orders No. 4, dated 15th September, 1863, marked F, have most effectually stopped the contraband trade, and underground mail. And in this connection I am most happy to commend the activity and energy with which officers and men have, one and all,

assisted in establishing a system which promises to be most thorough and complete.

Within the past two weeks large seizures have been made of goods attempted to be smuggled through at Fortress Monroe, and within the past few days personal property has been seized, of the same and of other descriptions that had been buried, of value exceeding seventy thousand dollars.

I have found some embarrassment for the want of proper written orders from your headquarters, and especially in regard to the troops sent from North Carolina into Currituck and Camden Counties, who, although within the limits General Foster verbally assigned to me, have never reported to me, nor have I had any advice whatever of their coming. Another difficulty arose from the same cause, in the Albemarle Sound, where the Army Gunboat General Jessup, placed under my command by the verbal order of General Foster to watch and guard that sound and the Pasquotank River, was summarily ordered away by General Peck. See copy of his order attached, marked J.

Again, on the 13th August, 1863, A. A. G. S. Hoffman issued an order, see Appendix, marked K, by which Captain Lee and his crew were ordered to report to their regiment. This was not discovered by me until September 3d, when I informed you of the absolute necessity of the crews remaining in the gunboats, and again on the 7th September requested that the order, so far as it related to them, should be countermanded. This being refused, I requested you to instruct me how this service was to be performed, and was answered "by the Quartermaster's Department." There being no troops at the disposal of the quartermaster, the gunboats required to watch the smuggling that is attempted in the direction of Craney Island and the Nansemond are without crews, and the necessary guard against contraband trade is not provided.

General Getty is entitled to much credit for the unremitting attention incessantly bestowed in the construction of his entrenched line. The work, after the expenditure of immense labor, now rapidly approaches completion.

I am most happy to close my report, and my connection with the

District of Virginia, with an acknowledgment of my thanks to the officers and soldiers of the same. They have promptly responded to all orders; they have won my esteem and affectionate regard.

Very respectfully,

Your obedient servant,

HENRY M. NAGLEE,
Brigadier-General.

LIEUTENANT-COLONEL SOUTHARD HOFFMAN,
A. A. G., Depart. of Virginia and North Carolina,
18th Army Corps.

Exhibit A.

Letter to the Inhabitants of Norfolk, Princess Anne, and Currituck Counties.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
NORFOLK, VA., July 28th, 1863.

Messrs. John Barnard,	John Ackiss,
James E. Bell,	Malachi Moore,
Clayton B. Ackiss,	Will. L. Sanderson,
John J. Burrows,	John Sanderson,
Henry M. Woodhouse,	John L. Cox,
John Woodhouse,	Wm. C. Mercer,
John Morgan, and others,	
of Norfolk, Princess Anne, and Currituck Counties	

GENTLEMEN: Before entering upon any hostile or severe measures, let us endeavor to avoid them, and with this spirit I would propose a friendly and reasonable understanding for the consideration of all persons living between Drummond Lake and the ocean, south of Hampton Roads. I propose that as long as there is no necessity for any *active legitimate* warfare within the above limits, that there shall be a cessation and removal of all disturbing and irregular war-

fare ; and especially as no possible good result can be expected from the continuance of a course of conduct which falls entirely and most heavily upon the non-combatants on both sides, and which you can control.

I would further propose that, with an understanding, as above suggested, the people within the district above indicated will be permitted to sell their produce in Norfolk or Portsmouth, and purchase the necessary supplies for their families at the same places, it being expressly understood that no hostile act shall be committed against the Government of the United States, nor any attempt be made to carry information or supplies west of the line indicated. Requesting an early consideration of the above,

I am yours, respectfully,

(Signed)

HENRY M. NAGLEE,
Brigadier-General Commanding.

P.S. A picket line will be established upon the line referred to, from Drummond Lake to the head of the Pasquotank River.

Exhibit B.

GENERAL HENRY M. NAGLEE,
Commanding Depart. of Va.

GENERAL: The foregoing paper reached us on the 29th day of last month. It came by the hands of Dr. Jas. E. Bell.

We are citizens of Princess Anne County, and in replying to your communication, can speak only for ourselves.

We are desirous of coming to a reasonable understanding with the authorities in Norfolk City, and willing to co-operate with them to the extent of our ability in the effort to suppress the irregularities alluded to in your communication. We are aware that no good results have accrued to this county, or to any citizen thereof, from the practices of certain parties, known as "Blockaders" and "Smugglers." That we have been greatly embarrassed and harassed on

their account, we have every reason to believe. We have not been engaged in such practices, and are opposed to them. But, General, we cannot control these irregularities. The authorities in Norfolk City, with a large military force at command, have been laboring to suppress smuggling, blockade-running, etc. for more than a year, and, if rightly advised, without success. How, then, can we control the matter? All we can do is to advise against, and discourage it. This we have done, and will continue to do so, whenever opportunities offer, and to the extent of our influence.

We are opposed to all irregular warfare being carried on in our county, and have uniformly advised against everything tending thereto. There is not a man of any position or consideration in this county that has given any other advice. And this advice has prevailed. There are no armed men in Princess Anne banded together for the purpose of waging an irregular warfare therein, and we feel assured that there never will be any, unless, indeed, our condition should be rendered hopelessly insecure. But if bands of armed men from other localities should come into our county, or pass through it, for the purpose of waging irregular (or desultory*) warfare here or elsewhere, it would be impossible for us to prevent it. All we could do would be to advise against and discountenance any such attempt. This we would do; and furthermore, we pledge ourselves that whatever of influence we possess, the same shall be exerted against the formation of companies of armed men in our midst, the object of which would be to wage irregular warfare in this county.

And further, we are within the Federal military lines, and while therein we expect to regulate our deportment according to those rules usually prescribed for the observance of non-combatants. Hence, if allowed to visit Norfolk or Portsmouth, and there permitted to sell our produce, and purchase the necessary supplies for our families, we will not commit any hostile act against the Government of the United States, nor make any attempt to carry information or supplies west of the line indicated in the foregoing letter. On the other hand, we ask that we be protected in our persons, our homes, and property,

* These two words are in one copy only.

and not held accountable for the actions of citizens of other localities, or for the irregularities and misconduct of a few reckless,* or bad men, wherever found.

All of which, General, is respectfully submitted,

W. M. Bormey,	Thos. W. Wilkins,
Smith S. Woodhouse,	Jona. Hunter, Junr.,
E. D. Fisher,	Solomon S. Keeling,
A. R. L. Keeling,	Samuel James,
Edward James,	John Gournto,
H. I. Chandler,	Henry Gournto,
Ransom Brock,	Thomas Keeling,
A. M. Bell,	I. S. Woodhouse,
Benj. Morris,	J. Bonney,
Wm. Moses,	Horatio Cornick.
John P. Keeling,	

The following names, attached to a duplicate of the above, on another sheet :—

J. J. Burroughs,	C. B. Ackiss,
John Woodhouse,	David B. Vaughan,
Lancaster Fentress,	H. M. Woodhouse,
M. W. Drewry,	John H. McClanhan,
John H. Day,	Noah Munden,
Jona. Hunter,	S. A. Brock,
H. B. Styson,	Henry Brock,
Wm. Nimmo,	T. W. Steveband, (?)
John H. Ackiss,	David Malbon,
Di. Douge,	Henry Legett,
W. W. Buckey,	Wm. Bundick,
James Gornto,	Thos. Harrison,
R. H. Beyton,	H. M. Brock,
J. H. James,	Jesse Dyer,
John W. Lewis,	A. B. Malbone,
Wm. T. Strawband,	Wm. P. Morgan,
Jothan Moore,	T. I. Gornto.

* This word "reckless" is in one copy only.

Exhibit C.

CURRITUCK COUNTY, August 10th, 1863.

TO BRIGADIER-GENERAL H. M. NAGLEE.

Your communication of the 28th ultimo, addressed to the undersigned and others, has been received, and as much publicity has been given to the same as circumstances would admit.

With a spirit becoming humanity, and due to non-combatants, you seem desirous that the disturbing and irregular mode of warfare now existing in our midst should cease or be removed; and, at the same time, you seem to entertain the opinion that the citizens are responsible for, and have the power to remove and control it.

While we readily admit that its consequences fall entirely and most heavily upon non-combatants, the defenseless and the innocent, we, at the same time, most positively declare and affirm that the citizens are not responsible for it, and can exercise no control whatever over those who are thus engaged. They are not, as you suppose, private citizens, but are soldiers, organized under officers commissioned by the State or Confederate authorities. This being a true statement of the facts in the case, you will readily perceive that they are entirely beyond the control of the citizens.

In regard to your proposition to permit our citizens to sell their produce, and purchase the necessary supplies for their families in Norfolk and Portsmouth, we must say, we have no doubt that many would gladly avail themselves of such privilege for the *legitimate* purpose of supplying their families, yet there are others so wedded to speculation and the love of gain that they would risk everything, even life itself, for the sake of money. Hence you cannot fail to see how utterly useless for us to make any pledge that no attempt shall be made to carry information or supplies beyond your designated line.

Situated as we are, and have been since the reception of your communication, it has been impossible to obtain a full and free expression of opinion, the citizens being disposed to remain at home; but after

as thorough an interchange of opinion as we could get, and at as early a day, we have thought it due to you and to ourselves to submit this candid statement of facts, hoping and believing that, with a knowledge of them, you will no longer hold us responsible for what we cannot possibly control, and also to remove from your mind any prejudice or misapprehension heretofore entertained.

Yours, respectfully,

Richard B. Flora,	Thos. L. Sanderson,
John Barnard,	E. F. Baxter,
Joseph B. Morgan,	John L. Cox,
B. M. Baxter,	Wm. C. Mereer,
S. Ferebee,	Wm. Jones,
James M. Ferebee,	Henry J. Wilson,
C. G. Lamb, of Camden Co.,	John B. Bell.

Exhibit D.

Order for Rebuilding London Bridge.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
NORFOLK, VA., September 14th, 1863.

Special Orders }
No. }

It is hereby ordered that Bartlett Smith, Dr. Tibault, — Forbes, Thos. Keelan, John Kellan, John Duffey, Horatio Cornick, John Ewell, Henry Gronton, Martin Harris, Charles Brock, and I. Brock shall rebuild the London Bridge within ten days, or they will be imprisoned, and the bridge shall be rebuilt from sales of their personal property.

By command of

BRIGADIER-GENERAL NAGLEE.

GEO. H. JOHNSTON,
Capt. and A. A. G.

Exhibit E.*Letter to Daniel Collins.*

HEADQUARTERS DEPARTMENT OF VIRGINIA,
NORFOLK, VA., Sept. 17, 1863.

HON. DANIEL COLLINS,

Mayor, etc., etc. of the City of Portsmouth.

DEAR SIR: The number of destitute persons in your city amounts to over 1200, which number is rapidly increasing.

I would respectfully request you to inform me of the course the Council of the City of Portsmouth intend to adopt to aid in the support of the poor.

Yours, respectfully, etc., etc., etc.,

(Signed)

HENRY M. NAGLEE,
Brigadier-General Commanding.

Exhibit F.*Mayor's Reply.*

MAYOR'S OFFICE,
PORTSMOUTH, VA., Sept. 22, 1863.

BRIGADIER-GENERAL HENRY M. NAGLEE.

SIR: Your communication of the 17th instant, in regard to providing for the poor, is at hand. In reply I would state that I have been authorized by the Council of this city to state that the means adopted by the Councils to provide for indigent families in this city were interfered with by the military authorities, and consequently at present the civil authorities are unable to provide for such persons. Provision has been made by the Council by which we can in a short time provide for all indigent families who are legitimately entitled to relief.

In connection with this subject I would state that there are per-

sons in this city who are drawing rations from the Government who would not receive any aid from this city government. I am satisfied it is almost impossible for you, or any of your officers to detect unworthy persons, without a very close scrutiny; and of the 1200 persons drawing rations, there are not 500 of those persons to whom we would issue rations.

There are a number of persons who are receiving aid that reside outside of this city, others are persons who moved into this city when the Federal lines were contracted; there are others who managed to make a living until they were prevented from going out of the city.

You are aware of one fact also, which compels many to apply for relief, "that is your order in reference to the currency." Many persons here who have Southern State money cannot pass it since your order was issued; such persons are drawing rations, when, if their money was allowed to pass, they say they would not ask for relief.

In conclusion, I would state that we are about to collect taxes, and many persons here have refused to pay taxes, thinking you will interpose your authority to prevent us from collecting; we are willing to provide for the indigent people of this city, provided we are permitted to collect the money to do it.

Very respectfully, your obedient servant,

DANIEL COLLINS,
Mayor.

Exhibit G.

Capt. M. A. Hill's Strictures on the Mayor of Portsmouth's Letter.

OFFICE COMMISSARY OF SUBSISTENCE,
PORTSMOUTH, VA., September 25th, 1863.

CAPTAIN: In obedience to the order of the General Commanding, to report on the inclosed letter of Mayor Collins, of Portsmouth, I have the honor to make the following statement:—

The families at present receiving assistance from the Government in Portsmouth have, in nearly every instance, received the indorsement

of the "City Distributors," or of Mayor Collins. In letters heretofore and now transmitted, Mayor Collins has recommended for assistance one hundred and eighty-four families, comprising five hundred and seventy-two persons. The "City Distributors," the recognized agency of the City Government, recommend three hundred families, comprising eight hundred and eighty-nine persons. Thus the Mayor, in his own handwriting, and by his authorized agents, recommend fourteen hundred and sixty-one persons for support.

Lest, however, even with the precautions taken, any improper persons should receive rations, I invited Mayor Collins to an examination of my list, and also wrote him a letter, a copy of which I herewith transmit, asking him to give me the names of such as were unworthy whenever he might hear of any. But three names have been given me by Mayor Collins, in reply to this letter.

I am, Captain,

Very respectfully,

Your obedient servant,

MOSES A. HILL,

Captain and C. S.

CAPTAIN M. C. CONRAD, *C. S.*

Exhibit H.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
SEVENTH ARMY CORPS, NORFOLK, VA., August 1st, 1863.

Special Orders }
No. }

I. The following line is hereby established: Commencing at the mouth of the Western Branch of the Elizabeth River; thence by the Western Branch to the head of the same; thence by Bower's Hill to the head of Deep Creek; thence through the Dismal Swamp to Lake Drummond; thence to the head of the Western Branch of the Pasquotank River; and thence by the latter and the Pasquotank River to Albemarle Sound.

II. Any person attempting to pass the above line will be arrested and severely punished.

III. Any person attempting to pass letters, information, or merchandise across the above line, and all interested with them, will be imprisoned and severely punished; and the goods seized, as well as all other personal property within this Department belonging to all implicated, will be confiscated.

IV. Persons residing within the cities of Norfolk and Portsmouth, and Princess Anne County, will not be permitted to pass into Norfolk, Currituck, and Camden Counties, and those living within Norfolk, Currituck, and Camden Counties, will not be permitted to pass north of North Landing River and Southern Branch of Elizabeth River and the Canal between them, unless in pursuit of their necessary business, with passes of the Provost Marshal, and no pass will be given for a longer period than fifteen (15) days.

V. No boat will be permitted to enter the Western Branch of Elizabeth River, Deep Creek, or the Pasquotank River; nor will be permitted to approach the left bank of Elizabeth River below the Western Branch of the same; nor will be permitted to approach the shore between Craney Island and Pig Point, under a penalty of an immediate destruction of the boat, and imprisonment and severe punishment of those taken and interested in the venture.

VI. On or before the 15th of August, all steamboats, vessels, or boats of any description, must be numbered and registered by the Provost Marshal, who will require that they shall be kept at night at such places and in such manner as he may direct. An especial list will be kept for the registry of all permits granted to fishermen and fishing boats.

VII. Licenses hereafter will be granted only to residents of the counties within the above limits; and all sutlers will be confined strictly to the privileges granted to them, and will not be permitted to trade after the 15th of August, unless the sales of their wares shall be regulated by a scale of prices determined before that time by a council of administration, as provided under the General Orders of the War Department No. 27, of 1862.

VIII. Merchants will be required to procure stencil plates with

the number of the license in figures, of at least two inches in length cut thereon, and with which they will be required to mark every package sold by them. A penalty of five hundred dollars (\$500) is hereby imposed upon any firm who shall fail to comply with the above. It is, however, not intended that this restriction shall apply to small paper bundles made up for local use.

IX. Merchandise will not be permitted to be carried through any of the canals nor upon any of the water-courses, after it has been received at Norfolk or Portsmouth.

X. All wagons going South with merchandise, or coming North with produce, will be required to pass through Great Bridge, where they will be examined.

XI. Merchants, when submitting their invoices for permits for merchandise, will be limited to that required for their business for three months; consumers, in purchasing from the above, will be limited to the quantity required by their families for the same time. The above restrictions being necessary to prevent an accumulation of goods for contraband purposes.

XII. Weapons of all kinds, powder, and all items of a contraband character are prohibited, and will be seized wherever found. All persons attempting to introduce, sell, or conceal any of the above will be imprisoned and severely punished, and their personal property will be confiscated.

XIII. The only currency permitted will be that established by the Government of the United States.

XIV. All passes and privileges at variance with the above order are hereby revoked. By command of

HENRY M. NAGLEE,
Brigadier General.

GEO. H. JOHNSTON,
Capt. and A. A. G.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
SEVENTH ARMY CORPS, August 10th, 1863.

General Orders }
No. }

The following is hereby substituted for Article IV. of the Special Order of August 1st inst., issued from these Headquarters, viz.:—

IV. Persons residing east of the above line, and between it and the coast, will not be permitted to pass Deep Creek, the Southern Branch of the Elizabeth River above the mouth of Deep Creek, the North Landing River, and the Canal connecting the above, unless in the pursuit of their necessary business, with passes of the Provost Marshal, and no pass will be given for a longer period than fifteen days, and then only to pass at Great Bridge or Deep Creek Bridge during the day.

By command of BRIGADIER-GENERAL NAGLEE.

Official.

GEO. H. JOHNSTON,
Assistant Adjutant-General.
Aid-de-Camp.

Exhibit I.

HEADQUARTERS DISTRICT OF VIRGINIA,
NORFOLK, VA., September 15, 1863.

General Orders }
No. 4. }

The following picket stations are hereby established, and the following orders will be observed by all picket and other guard duty upon the front, between the Western Branch and the Dismal Swamp:—

- No. 1. At the Bridge at Davids' Mill.
- No. 2. At the Bridge at Fort Curtis.
- No. 3. At the Gate on the main Bowers Hill Road at Fort Rodman.
- No. 4. At Deep Creek Village.

No. 5. At the Gate in the Deep Creek Road at Fort Reno.

No. 6. At the intersection of the Deep Creek Road with the Portsmouth Road from the Navy Yard, at the house of John Berry.

No. 7. On the Main Bowers Hill Road near the camp of the 1st N. Y. Mounted Rifles.

No. 8. At the intersection of the Main Deep Creek and Bowers Hill Roads.

Other posts will be established upon the railroads and at less important places.

No. 1. At Davids' Mills Bridge, the plank of which will be habitually removed, the commissioned officer commanding the guard will permit no citizen whatever, either with or without a pass, to cross beyond the bridge, and no soldiers will be allowed to pass except officers and soldiers actually on picket and other duty; no persons will be allowed to pass in except contrabands, deserters, and refugees, who will take the oath of allegiance, and an oath that they will remain within the lines until the termination of the war, and all of whom will be sent to the Provost Marshal at Norfolk under guard.

The plank of the bridge at Fort Curtis will be removed at night.

No. 2. The guard will be furnished with an alphabetical list of all citizens not exceeding one from each family, who reside between the creeks that pass at Nos. 1 and 2. They will be permitted to pass from their respective houses to and from Portsmouth by the nearest road; passing in on Tuesday and Friday and out on Wednesday and Saturday; but they will not be permitted to travel or be absent from their homes after sundown.

The guards at Nos. 3, 4, 5, 6, and 7 will be furnished by Gen. Getty with alphabetical lists of all citizens, not exceeding one from each family, who will be permitted to pass only upon business from their respective homes to and from Portsmouth by the nearest road, on Monday, Wednesday, and Saturday, between sunrise and sunset, and at no other time.

The railroad bridges at certain points will be removed by order of General Getty, and no person whatever will be allowed to pass in either direction along the railroads.

The pickets will arrest all persons who shall leave the roads and

attempt to avoid any of the picket stations, and all persons who shall attempt to pass to the front in violation of this order.

No. 8. Col. Dutton will station a guard at the intersection of the main road from Portsmouth with that from Deep Creek. It will be furnished with proper lists, and orders to supervise all travel that may pass at this point—allowing no citizen to pass unless upon the list, and no soldiers without proper passes. All officers passing without proper permission will be reported on the morning guard reports, and to these headquarters, through the proper channel.

All soldiers or contrabands that attempt to pass without proper authority will be imprisoned at Portsmouth until the following morning, where they will be delivered, before it is relieved, to the old guard at post No. 6 or 7, who will turn them over, the latter to the Provost Marshal, and the former to the Colonel of the regiment to which they belong, who will order them before a field officer for punishment.

Any non-residents found within the limits of the above stations elsewhere than on the way from his or her home to or from Portsmouth, will be arrested.

All passes will be taken up when the purpose for which they were issued has been fulfilled, and returned to the Provost Marshal at Norfolk.

General officers may pass any and all pickets and guards; but if they pass beyond the picket lines it will be noted on the guard report.

General officers will indicate at these headquarters their intention to pass to Fort Monroe.

Field officers will not pass beyond the limits of their division, or their brigade where there is not a division organization, without proper authority.

Line officers will not pass beyond the limits of their brigades without permission of the brigade commander, nor beyond that of the division, without the approval of the division commander, nor across Hampton Roads without the permission of the commanding officer of the district.

Soldiers will not be permitted to leave their regiments without

permission of their Colonels, nor to leave their brigade or division without the approval of the respective commanders thereof.

Soldiers on duty in the Quartermaster and Commissary Departments, required to go continually to Portsmouth, will be entered upon the proper alphabetical list.

In the event of an attack, all families will be required to go to Portsmouth.

The discipline of any command may be known by the manner in which the guard duty is performed, and the Commanding Officer regrets to find it his duty to censure the almost universal neglect and carelessness that now prevails in this respect. The attention of all officers is hereby called to the necessity of an immediate and thorough reformation.

Sentinels who rest their muskets upon the ground, do not walk their posts, and talk with any one that will listen to them, may be seen in every direction; and in a tour of inspection to the front, where an attack might have been expected at any moment, pickets had not only left their horses, but without exception were lying upon their backs fully absorbed in the perusal of light literature.

Soldiers will not do their duty unless their officers require it to be done; and the inefficiency originating with the latter, he will be held responsible for it. The heavy labor of the trenches is nearly over, and let us one and all unite, and gain for the command a reputation for cleanliness, order, and discipline, that all will refer to with pride and satisfaction.

By command of BRIG.-GEN. NAGLEE.

GEO. H. JOHNSTON,
Assistant Adjutant-General.

Exhibit J.

"General Jessup," General Peck's Order respecting.

HEADQUARTERS U. S. FORCES IN NORTH CAROLINA,
NEWBERN, N. C., August 26th, 1863.

Special Orders }
No. 12. }

* * * * *

III. The Army Gunboat "General Jessup" will proceed at once to Fort Monroe, and report to Colonel Thomas, A. Q. M.

By command of MAJOR-GENERAL PECK.

BENJ. B. FOSTER,
Assistant Adjutant-General.

COMMANDING OFFICER "GENERAL JESSUP,"
THROUGH CAPTAIN WEBSTER, *Chief Quartermaster.*

Exhibit K.

Major-General Foster's Order respecting the "Smith Briggs."

HEADQUARTERS DEPARTMENT OF VIRGINIA AND NORTH CAROLINA,
FORT MONROE, VA., August 13th, 1863.

Special Orders }
No. 24. }

Extract.

II. Captain J. C. Lee, Company "I," 99th, N. Y. Vols., is hereby released from arrest, and will report for duty with his Regiment.

All the enlisted men composing the crew of the Steamer "Smith

Briggs" are hereby relieved from detached service, and will proceed to join their respective Companies without unnecessary delay.

Quartermaster's Department will furnish necessary transportation.

* * * * *

By command of MAJOR-GENERAL FOSTER.

SOUTHARD HOFFMAN,

Assistant Adjutant-General.

BRIGADIER-GENERAL NAGLEE.

APPENDIX.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
SEVENTH ARMY CORPS, NORFOLK, VA., August 15th, 1863.

GENERAL: Your favor of the 13th inst., inclosing a copy of that of the President of the 8th inst., is now before me.

I regret that the efforts made by me to establish proper and friendly relations between myself and the civil authorities within this Department should have been treated in so very unfriendly and unfair a manner by the Mayor and Common Council of the City of Portsmouth, and that the representations made to the President are not in accordance with the facts.

From the tenor of the note of the President,* he has been made to believe that there was some "difficulty at Norfolk and Portsmouth between the city authorities on one side and our military on the other," and that they are "in serious conflict about the mode of providing for certain destitute families whose natural supporters are in the rebel army, or have been killed in it."

Now, General, with all due deference to the parties concerned, no such issue ever was made between the Mayor and Council and myself, and I never knew there ever existed any conflict between us on any subject until my attention was called to the resolutions passed by them.

* See Exhibit A.

The facts are simply these :—

On the 25th of July I assumed command, and made my headquarters at Norfolk, as requested by you. On the same day the Lieutenant-Governor of the State of Virginia, L. C. P. Cowper, one of the committee sent to the President, called and informed me of the destitute condition of certain families who were suffering, and I immediately requested him to furnish me with proper lists, and that I would forthwith order them to be provided for, which was done. On the following day I was informed that the Common Council of Portsmouth, *not of Norfolk*, had passed the following ordinance :—

Adopted July 13th, 1863.

Resolved, That the Mayor be, and he is hereby authorized to collect rents for all houses, stores, and all other property owned by persons who refuse to take the oath of allegiance to the United States Government and the restored Government of Virginia, and that the proceeds be applied to relieve the wants of families in destitute circumstances, and assist in defraying the expenses of the City Government.

WILLIAM F. PARKER, *C. C.*

And also another ordinance repudiating certain obligations of that city, both of which were causing a great deal of excitement and alarm.

I immediately sought an interview with Mr. Daniel Collins, the Mayor of the City of Portsmouth, with the purpose of a friendly exchange of opinion, intending thus to prevent any conflict with the authorities of Portsmouth. He admitted there was no authority of law for the ordinance, and that they could not legally enforce it and confiscate property and collect rents under it, but indicated that the military authorities were expected to enforce it. I replied that could not be; that there was no

necessity of any violation of law; and that the property left vacant by the absence of owners in the rebel service should go into the charge of the Provost Marshal, who should collect the rents; intending, as you will understand, that the Government should be thus in part reimbursed for the expenditures made for the destitute. This appeared to be entirely satisfactory to Mr. Collins, and he left me in a manner that led me to believe that this subject was satisfactorily adjusted.

This comprises my whole and entire communication with the Mayor and Common Council of the City of Portsmouth, and you may imagine my surprise upon the first day of August upon the perusal of the following resolutions:—

Adopted July 29th, 1863.

Whereas, By authority of writs of election issued by his Excellency Francis H. Pierpoint, Governor of Virginia, the citizens of Portsmouth did, on the 28th of May, 1863, elect civil officers with a view to re-establish civil law; and

Whereas, The said officers have been installed in office, and recognized by the former military commander of this Department, and in view of the fact, which we learn with regret, that the present Commander of the Seventh Army Corps has seen proper to interfere, with a view to put aside certain acts of the City Council, and believing that no Commanding General, especially a non-resident, has a right to decide upon the constitutionality of any acts of the Board when the courts of the Commonwealth are open to settle any grievances between the citizens and the civil authorities; be it therefore

Resolved—1st. That we refuse to recognize the authority of Brigadier-General H. M. Naglee to decide any case of appeal from the action of this Board.

Resolved—2d. That the Mayor and other officers of the City Government be required to enforce every act of this Council, regardless of any orders emanating from the military authorities,

and that in the event of a conflict of authority, an appeal shall be taken to his Excellency the Governor, to sustain and uphold the authority of the State and the city.

WILLIAM F. PARKER, *C. C.*

Adopted August 1st, 1863.

Resolved—1st. That a committee of three be appointed to wait on his Excellency Governor F. H. Pierpoint, and represent to him that the military commander of this Department has interfered with the civil authorities, with a view to set aside certain acts of this Board, and decide upon points of civil law, when the courts of the Commonwealth are open to decide upon all civil questions.

Resolved—2d. That the committee, in conjunction with Governor Pierpoint, call upon his Excellency the President of the United States, and the Honorable Secretary of War, and ask for the immediate removal of the Commanding General of this Department, and all other officers who have interfered with civil law; and also insist on a precise and exact adjustment of the boundaries between civil and military authorities.

Resolved—3d. That the committee be composed of his Honor Daniel Collins, Mayor of Portsmouth, his Excellency Lieutenant-Governor L. C. P. Cowper, and James W. Brownley, H. D.

WILLIAM F. PARKER,
Clerk of Council.

I will, for your further information, advise you that General Getty issued an order on the 29th of July, of which I had no knowledge until the 2d or 3d of August, and which was as follows :—

PROVOST MARSHAL'S OFFICE,
PORTSMOUTH, VA., July 29th, 1863.

**General Orders }
No. 1. }**

The Resolution adopted at a meeting of the Common Council of the City of Portsmouth, held July 13th, 1863, authorizing the Mayor "to collect rents for all houses, stores, and all other property owned by persons who refuse to take the oath of allegiance," etc., is hereby suspended, until the decision of the General Commanding with reference to the same may be had ; and while such decision is pending, the Mayor and other authorities of the City of Portsmouth will refrain from all further action under and by virtue of said resolutions.

By command of BRIG.-GEN. GETTY.

HIRAM B. CROSBY,
Major and Provost Marshal.

And which, when referred to me, met with my approval.

On the 11th inst., Governor Pierpoint called upon me, referred to the letter of the President, and we compared views in relation to our respective civil and military positions ; he admitted there was no difference of opinion, and that the Council had no authority under their charter to condemn property and collect the rents. He, however, finally insisted that I should accept as my line of conduct, the policy of the resolutions, and confiscate the property of every person that would not at once take the oath of allegiance to the Government of the United States and the restored Government of Virginia. This I positively refused to do ; which refusal, I regret to say, seemed to be received with an exhibition of much feeling, and in a very unfriendly manner.

The following is the order of Major-General Dix :—

HEADQUARTERS DEPARTMENT OF VIRGINIA,
SEVENTH ARMY CORPS, FORT MONROE, VA., June 16th, 1863.

General Orders }
No. 41. }

I. The people of the County of Norfolk and of the Cities of Norfolk and Portsmouth, having held elections and chosen civil and judicial officers, with a view to the administration of civil and criminal law within those districts, it is hereby ordered, that the authorities thus constituted be recognized, and permitted to perform their functions, so far as may be compatible with the enforcement of martial law, which has been established in accordance with the usages of war, and which is still continued throughout this Military Department.

II. The jurisdiction of Major John A. Bolles as Provost Judge, defined in General Orders No. 6, dated 27th June, 1862, is hereby enlarged, so as to include all military offenses not cognizable by courts-martial; but the Provost Court will not take cognizance of any capital offense; and an appeal may be taken in all cases to the Commanding General of the Department.

By command of MAJOR-GENERAL DIX.

D. T. VAN BUREN,
Assistant Adjutant-General.

Official.
THOS. LORD, JR., *Aid-de-Camp.*

In which he "recognized" the civil authorities of Portsmouth, so far as civil law "may be compatible with the enforcement of martial law."

As we are situated, the control of the whole subject is with the military authorities, who may proclaim martial law whenever they may so determine.

I am most happy to add, that there has been no difference or "conflict" with the civil authorities of the City and County of

Norfolk, and that our relations, both official and social, have been of the most agreeable and satisfactory character.

Since my interview with Governor Pierpoint above referred to, I have reviewed the subject, and I have issued the following order:—

Special Orders }
No. 24. }

HEADQUARTERS DEPARTMENT OF VIRGINIA,
SEVENTH ARMY CORPS, August 12th, 1863.

* * * * *

IX. The Provost Marshals of the Cities of Norfolk and Portsmouth will take possession of all houses owned by disloyal persons now within the rebel lines, and of all real property within said cities owned by disloyal persons who take an active part against the Government of the United States, or who violate the orders of this Department; but no property shall be condemned until written evidence shall have been taken in the premises, and be approved by the General Commanding.

X. The fund created by the rental of the above property shall be appropriated exclusively toward the relief of the destitute families of officers and soldiers in the rebel army.

* * * * *

By command of BRIG.-GEN. NAGLEE.

GEO. H. JOHNSTON,
Asst. Adjutant-General.

Which, in connection with Special Order of August first,* herein inclosed, will indicate my policy, and which is as far as I can conscientiously go in the premises.

I regret the course pursued by the Mayor of the City of Portsmouth; he has succeeded in doing just what I endeavored to avoid.

* See Exhibit A.

The persons in destitute condition referred to by the President were ordered to be taken care of immediately upon my arrival in Norfolk, and that subject was never one of difference, and I believe was never referred to by Mayor Collins at the only interview ever had between us.

Respectfully submitting the above report, let me request that it may be laid before the President in explanation of the subject.

I am, General, very respectfully, etc.,

HENRY M. NAGLEE,

Brig.-Gen. Commanding.

MAJOR-GEN. J. G. FOSTER,

Com. Dept. of Va. and N. C., Fort Monroe.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
SEVENTH ARMY CORPS, NORFOLK, VA., August 16th, 1863.

GENERAL: I inclose the copies of the complaints of Governor Pierpoint, also of Leopold C. P. Cowper, notary public and Lieutenant-Governor of the State of Virginia, with the indorsement of the Provost Marshal thereon, and my instructions to him.

Also, the complaint of various citizens that the only physician in their part of the country is prohibited from pursuing his practice unless he will take the oath of allegiance to the Government of the United States and to the restored Government of Virginia.

The course now pursued by the civil authorities is as follows:—

They require that no person shall practice at his profession, whether it be in the pulpit, at the bar, or of medicine, unless he shall first take the oath above referred to; no person is allowed to collect his rents, or any debt due, unless he or she take the oath; no one is allowed to trade in any manner, unless he first takes the oath; the result of all which will be, that the list now comprising 3000 destitute families will soon make paupers of the

entire population—16,000—of the Cities of Norfolk and Portsmouth, excepting probably 1000 persons who have come here from the North, since the rebellion began, for business purposes.

Governor Pierpoint called upon me on Friday, the 14th instant, and after exhibiting to me certain papers adopted, as he informed me, by the Branch Bank of Virginia at this place, *required* me at once to order the directors with their families to be put over the lines.

With the little opportunity afforded, I could not understand the merits of the case, and I desired the Governor to make his request in writing, and to let me have time to examine the subject, which he refused to do, replying that "my orders should come from General Foster, or the President of the United States."

From the little seen by me, I could only understand that the directors were responsible for some \$500,000 of the assets of the bank, and that for their protection as trustees they contested the validity of the order, intending to yield and abandon them (the assets) the moment a sufficient force was brought against them.

Let me request you, General, to submit this communication to the President with that of yesterday, that he may be informed of these differences, not therein alluded to.

Very respectfully, etc.,

HENRY M. NAGLEE,

Brig.-Gen. Commanding.

TO MAJOR-GENERAL J. G. FOSTER,

Com. Dept. Va. and N. C., Fort Monroe.

Exhibit A.

*Letter of His Excellency the President to Major-General
Foster, Fort Monroe.*

EXECUTIVE MANSION,
WASHINGTON, Aug. 8th, 1863.

GENERAL FOSTER: This will be handed you by Governor Pierpoint, of Virginia. He goes, among other things, seeking to adjust a difficulty at Norfolk and Portsmouth.

It seems there is a large number of families in Portsmouth who are destitute, and whose natural supporters are in the rebel army, or have been killed in it. These destitute families must live somehow; and it seems the city authorities on one side, and our military on the other, are in serious conflict about the mode of providing them.

Governor Pierpoint is a good man, and if you will place him in conference and similar relations with the military authority in the vicinity, I do not doubt that much good will come of it. Please do it.

Yours truly,

A. LINCOLN.

Exhibit B.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
SEVENTH ARMY CORPS, NORFOLK, VA., August 1st, 1863.

Special Orders }
No.

I. The following line is hereby established: Commencing at the mouth of the Western Branch of the Elizabeth River; thence by the Western Branch to the head of the same; thence by Bower's Hill to the head of Deep Creek; thence through the Dismal Swamp to Lake Drummond; thence to the head of the Western Branch of the Pasquotank River; and thence by the latter and the Pasquotank River to Albemarle Sound.

II. Any person attempting to pass the above lines will be arrested and severely punished.

III. Any person attempting to pass letters, information, or merchandise across the above line, and all interested with them, will be imprisoned and severely punished; and the goods seized, as well as all other personal property within this Department belonging to all implicated, will be confiscated.

IV. Persons residing east of the above line and between it and the coast will not be permitted to pass Deep Creek, the Southern Branch of the Elizabeth River above the mouth of Deep Creek, the North Landing River, and the canal connecting the above, unless in the pursuit of their necessary business with passes of the Provost Marshal, and no pass will be given for a period longer than fifteen days, and then only to pass at Great Bridge or Deep Creek Bridge during the day.

V. No boat will be permitted to enter the Western Branch of the Elizabeth River, Deep Creek, or the Pasquotank River; nor will be permitted to approach the left bank of Elizabeth River below the Western Branch of the same; nor will be permitted to approach the shore between Craney Island and Pig Point, under a penalty of an immediate destruction of the boat, and imprisonment and severe punishment of those taken and interested in the venture.

VI. On or before the 15th of August, all steamboats, vessels, or boats of any description, must be numbered and registered by the Provost Marshal, who will require that they shall be kept at night at such places and in such manner as he may direct. An especial list will be kept for the registry of all permits granted to fishermen and fishing boats.

VII. Licenses hereafter will be granted only to residents of the counties within the above limits; and all sutlers will be confined strictly to the privileges granted to them, and will not be permitted to trade after the 15th of August, unless the sales of their wares shall be regulated by a scale of prices determined before that

time by a council of administration, as provided under the General Orders of the War Department No. 27, of 1862.

VIII. Merchants will be required to procure stencil plates with the number of the license in figures, of at least two inches in length cut thereon, and with which they will be required to mark every package sold by them. A penalty of five hundred dollars (\$500) is hereby imposed upon any firm who shall fail to comply with the above. It is, however, not intended that this restriction shall apply to small paper bundles made up for local use.

IX. Merchandise will not be permitted to be carried through any of the canals nor upon any of the water-courses, after it has been received at Norfolk or Portsmouth.

X. All wagons going South with merchandise, or coming North with produce, will be required to pass through Great Bridge, where they will be examined.

XI. Merchants, when submitting their invoices for permits for merchandise, will be limited to that required for their usual business for three months; consumers, in purchasing from the above, will be limited to the quantity required by their families for the same time. The above restrictions being necessary to prevent an accumulation of goods for contraband purposes.

XII. Weapons of all kinds, powder, and all items of a contraband character are prohibited, and will be seized wherever found. All persons attempting to introduce, sell, or conceal any of the above will be imprisoned and severely punished, and their personal property will be confiscated.

XIII. The only currency permitted will be that established by the Government of the United States.

XIV. All passes and privileges at variance with the above order are hereby revoked. By command of

HENRY M. NAGLE,
Brigadier-General.

GEO. H. JOHNSTON,
Capt. and A. A. G.

Exhibit C.

FORT MONROE, August 14th, 1863.

GENERAL NAGLEE,

Norfolk, Va.

SIR: Complaints are still made that your Provost Marshal of Portsmouth is turning out tenants in that city who refuse to pay their rents. I supposed, from the conversation we had on Tuesday evening, that you had no knowledge that your Provost Marshal of Portsmouth was interfering in the subjects of rents further than the collection from tenants where the owners were in the rebel army.

I was shown an order on Tuesday, from your Provost Marshal in Portsmouth, directing a party to pay rents; another is handed me to-day, and I am informed that parties are to be turned out of houses this P.M. I desire to know explicitly from you, if you intend to persist in the collection of debts or rents for those people in Norfolk and Portsmouth, through your Provost Courts, or in any other way.

I am yours, etc.,

F. H. PIERPOINT.

General Naglee indorsed upon the above as follows:—

Major Crosby, P. M., will report immediately in relation to the within.

H. M. NAGLEE,

*August 15.**Brig.-Gen. Com'g.*

To which Major Crosby, Pro. Mar., replied as follows:—

Exhibit D.

OFFICE OF THE PROVOST MARSHAL,
PORTSMOUTH, VA., Aug. 15th, 1863.

Communication received, and in reply to the matters therein referred to, it is respectfully submitted that my official action in

relation to rents is confined to the simple act of forbidding tenants from paying rents to the Mayor, and protecting them in cases where they make payment to the owner.

A large number of tenants take advantage of the resolution of the Common Council, and refuse to pay any rent whatever, which causes much suffering where the rents are the only means of support.

HIRAM B. CROSBY,
Major and Provost Marshal.

Exhibit E.

City of Portsmouth, to wit:

I, Leopold C. P. Cowper, Notary Public, in and for the city aforesaid, duly authorized by law to administer oaths, do certify that James Fleming, personally known to me to be the sergeant in and for said city, who made oath that Major Crosby, the Provost Marshal, acting for the said city aforesaid, ordered that a sutler in the United States Army, for the 21st Regiment of Connecticut Volunteers, Charles H. Burdick, should not pay the licenses imposed by the ordinances of said city for selling to citizens of said city.

LEOPOLD C. P. COWPER,
Notary Public.

This man Burdick has rented a store, and keeps an open store in the city, selling to citizens freely, and upon complaint by the sergeant of a violation of our ordinance, this order (affidavit?) was made.

Exhibit F.

HEADQUARTERS DEPARTMENT OF VIRGINIA,
SEVENTH ARMY CORPS, NORFOLK, VA., August 17th, 1863.

MAJOR: In the execution of your duties, you will confine yourself strictly to those which have been accurately defined.

All cases not definitely authorized from these headquarters must be referred to the General Commanding the Department of Virginia, for his instructions.

Sutlers will be compelled to pay a license to the city authorities, if they sell to others than soldiers.

You will not interfere between the landlord and tenant, unless as provided for in Special Order of 12th August, 1863, No. 24,* regarding property abandoned or condemned.

Respectfully,

GEO. H. JOHNSTON,

Captain and A. A. G.

By command of BRIG.-GEN. HENRY M. NAGLEE.

Exhibit G.

SEWELL'S POINT, August 15th, 1863.

We, the undersigned loyal residents of Sewell's Point, Norfolk County, would most respectfully ask of Major-General Naglee, that he would grant Dr. S. D. Campbell, of Norfolk City, permission to practice his profession in our neighborhood, west of a line from the Indian Pole Bridge to Ocean View, embracing a district known as Sewell's Point; he being our regular physician and acquainted with our constitutions and diseases, we would much prefer him to another.

With much respect,

We remain yours obediently,

W. W. Hewlein,	Reuben Gernto,
Jas. H. Powell,	Edward Stroud,
Thos. W. Pumphrey,	W. H. Holmes,
B. F. Pumphrey,	H. M. Williams,
John T. Pumphrey,	A. Cropper,

David Williams.

* See page 31, for copy of order.

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